

Case: 6:69-cv-07941-BB

1 of 9

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
10 JUL 26 AM 11:39

STATE OF NEW MEXICO, on the relation of
the State Engineer,

Plaintiff,

v.

ROMAN ARAGON, et al.,

Defendants.

No. 69-cv-07941-BB

Rio Chama Stream
System

Section I (mainstream)

MEMORANDUM:

**INFORMATION ON PARCIENTE *PRO SE* PARTY AND COMMISSIONER OF THE
ACEQUIA DE CHAMITA DAVID ORTIZ (DOC. 4566, 9591, 9585, 9657)**

This matter respectfully concerns providing background information on *pro se* parciente, defendant and Commissioner for the Acequia de Chamita, David Ortiz (Doc. 4566, 9591, 9585, 9657) for the Honorable Court's record and consideration.

Background:

1. David Ortiz first filed Doc. 4566 on 1/30/1996.
2. David Ortiz filed a timely objection to the Special Master's Report (Doc. 9546, Filed 12/16/2009) and the Amended Objections to the Assignment of a 1600 Priority date to Concerned Water Rights of the Parcientes of the Acequia De Chamita, Doc. 9657, Filed 3/31/2010.
3. David Ortiz is at this time a Commissioner and Treasurer of the Commission of the Acequia De Chamita and a current *pro se* defendant (Doc. 9591, 9585, 9657).

4. David Ortiz is successor in position as Commissioner/Treasurer on the Acequia De Chamita to Juan D. Archuleta. Juan D. Archuleta (Subfile 229, Doc. No. 3974.12) was a defendant in 1994-1996 (Doc. 9720, 5/21/2010, at 4, 5). He was also Commissioner and Treasurer of the Acequia De Chamita at that time. Juan D. Archuleta is now deceased.
5. David Ortiz as parciente and Commissioner of the Acequia De Chamita has a strong interest in having this Honorable Court consider the cumulative evidence provided for a change in the Special Master's Report assignment of a 1600 priority date to the adoption of the right and proper assignment of an August 11, 1598 priority date for the Acequia De Chamita only (Doc 9657, 3/31/2010, Doc. 9717, 5/14/2010; Doc. 9907, 6/11/2010; Doc. 9909, 6/23/2010).

Comes now defendant David Ortiz as a Commissioner of the Acequia De Chamita and as a Heritage Successor-in-interest to show that as a parciente who now draws water to irrigate lands off of the Acequia De Chamita, so did his Primos Pobladores forebears work that Acequia at San Gabriel in 1598 (Doc.9717, 5/14/2010, postscript and conclusion at 59).

David Ortiz (Doc. 4566, 9591, 9585, 9657)
Heritage Successor-In-Interest

Genealogical Evidence¹ and
 San Gabriel Settlement and Familial History

David Ortiz – Born Dec 21, 1941 in Santa Fe, NM

Jose Oswaldo Ortiz – Born Aug 24, 1915 in Santa Fe, NM married to Isabelle Lucero ca 1937 in Santa Fe, NM

Maria del Refugio Ortega – Born May 25, 1825 in Santa Fe, NM married to Francisco (Frank) Ortiz Jr. ca 1913 in Santa Fe, NM

Simona Saiz – Born ca 1875 in Rio Tesuque, NM married to Mariano Ortega ca 1891 in Santa Fe, NM

Jose Anastacio Saiz – Born ca 1849 in Santa Fe, NM married to Maria Antonia Roybal Feb 4, 1873 in Rio Tesuque, NM

Maria Catarina Jimenez – Born ca 1823 in Santa Fe, NM married to Jose Santos Saiz Oct 29, 1844 in Santa Fe, NM

Maria Casilda Garcia – Born ca 1793 in New Mexico married to Ramon Jimenez ca 1820 in New Mexico

Maria del Loreto Padilla – Born Feb 25, 1763 in Santa Fe, NM married to Gregorio Nicolas Garcia de Alviar ca 1784 in New Mexico

Maria Gertrudis Sena – Born ca 1740 in New Mexico married to Manuel Padilla Jun 24, 1760 in Santa Fe, NM

Tomas Antonio Sena – Born ca 1706 in New Mexico married to Maria Luisa Garcia de Noriega ca 1723 in New Mexico

Tomasa Martin Gonzalez – Born ca 1683 in New Mexico married to Bernardino Sena y Valle Feb 8, 1705 in Santa Fe, NM

Hernan II (El Mozo) Martin Serrano -- Born ca 1607 in San Gabriel Yunque, NM married to Josefa dela Asencion Gonzalez ca 1682 in NM

***Sargento Hernan Martin Serrano** – Born ca 1558 in Zacatecas, New Spain married to Ynes (mestiza) ca 1602 in San Gabriel Yunque, NM

Historical Documentation for Sargento Hernan Martin Serrano at San Gabriel in 1598:²

***Sargento Hernan Martin Serrano** is one of the first settlers that came with Onate in 1598, (Hammond and Rey, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, 1953. Salazar Inspection, pgs. 237-238 & 291).

Hernan Martin Serrano and several other men participated in an interview at San Gabriel on Oct 1601 regarding conditions at San Gabriel. A report of its findings was to be delivered to the Viceroy. On question 14, "...if he knows that in the 3 years we have been here [1601 – 3 years = 1598] we have planted wheat and vegetables and that both the planting and harvest have increased". Serrano replies, "...that ever since we came here, planting and harvesting are on the increase, and he believes that it will always be so in the future"(Hammond and Rye, Onate, pgs. 704, 725 and 726).

Hernan Martin Serrano came to San Gabriel to acquire property to settle and to farm/ranch. In the 1598 Salazar Inspection (the Inspection before the Entrada into New Mexico), Serrano declared items that would achieve his settlement goals; 15 horses, 2 mules, 20 mares, 6 colts, 22 tame cows, 2 carts, 26 oxen, horseshoes and nails, 7 augers of different sizes, 12 cutting axes, 3 adzes, 2 chisels, grindstone, and a hoe. (Hammond and Rey, Onate, pg. 237-238).

¹ Genealogical Research conducted by: Thomas D. Martinez, TDM Research, tom.martinez@mindspring.com, 916-801-9319

² Historical references, Pat Rundstrom, Researcher

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Francisco (Frank) Ortiz Jr. – Born Nov 9, 1892 in Santa Fe, NM married to Maria del Refugio Ortega ca 1913 in Santa Fe, NM

Francisco (Frank) Ortiz Sr. – Born ca Jun 1868 in Santa Fe, NM married to Maria del Rosario Duran Jan 9, 1891 in Santa Fe, NM

Ambrosio Ortiz – Born Dec 7, 1839 in Santa Fe, NM married to Maria Paula Romero 8/6/1861 in Santa Fe, NM

Jose Ygnacio Ricardo Ortiz – Born Apr 4, 1809 in Santa Fe, NM married to Maria Josefa Chavez Apr 24, 1830 in Santa Fe, NM

Ygnacio Antonio de Jesus Ortiz – Born Feb 2, 1770 in Santa Fe, NM married to Maria dela Luz Silva Oct 1, 1792 in Santa Fe, NM

Maria del Loreto Rivera – Born ca 1735 in Santa Fe, NM married to Juan Antonio Ortiz Dec 13, 1755 in Santa Fe, NM

Maria Estrela Palomino Rendon – Born ca 1700 in Santa Fe, NM married to Juan Felipe Rivera Mar 24, 1715 in Santa Fe, NM

Juana Montoya – Born ca 1679 in New Mexico married to Francisco Palomino Rendon Dec 17, 1693 in Santa Fe, NM

Maria Hurtado de Salas – Born ca 1661 in Sandia, NM married to Antonio Montoya ca 1676 in New Mexico

Bernardina Salas y Trujillo – Born ca 1637 in Sandia, NM married to Andres Hurtado ca 1650 in New Mexico

Francisco Trujillo – Born ca 1623 in New Mexico married to Lucia Montoya ca 1636 in New Mexico

Catalina Vasquez – Born ca 1611 in New Mexico married to Diego Trujillo

Diego Marquez – Born ca 1590 in New Spain married to Bernardina Vasquez

***Geronimo Marquez** – Born ca 1560 in San Lucar de Barrameda, Spain married to Ana de Mendoza

Historical Documentation for Geronimo Marquez at San Gabriel in 1598:²

***Geronimo Marquez:** While the 1598 Acoma uprising occurred, Geronimo Marquez with 67 (approx.) others guarded San Gabriel, (Gaspar Perez de Villagra, *Historia de la Nueva Mexico*, 1610, pg. 241, v-220-314 & 249; Hammond and Rey, *Onate*, pg. 461). “The town did not consist of nor possess more than one plaza, well squared off, with only four entries...” (Villagra, pg. 241, V-230-232). The Governor ordered and assigned 40 of his men to guard the four entries and his house. He named each man his assigned plaza corner post. Geronimo Marquez was assigned to guard one of the corner posts with three of his brothers and seven others (ibid. pg. 241, v-247-254).

Geronimo Marquez came to San Gabriel to acquire property to settle and to farm/ranch. In the 1598 Salazar Inspection (the Inspection before the Entrada into New Mexico), Marquez declared items that would achieve his settlement goals; 1 strong cart with bell and twelve oxen, 30 tame cows, 25 horses, 6 plowshares, 4 axes, and other items (Hammond and Rey, *Onate*, pgs. 250-251).

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Francisco (Frank) Ortiz Jr. – Born Nov 9, 1892 in Santa Fe, NM married to Maria del Refugio Ortega ca 1913 in Santa Fe, NM

Maria del Rosario Duran – Born ca Nov 1868 in Santa Fe, NM married to Francisco (Frank) Ortiz Sr. Jan 9 1891 in Santa Fe, NM

Jose Duran – Born ca 1825 in Santa Fe, NM married to Maria Hilaria de Jesus Ortiz Oct 11, 1865 in Santa Fe, NM

Miguel Agustin Duran – Born Nov 4, 1784 in Santa Fe, NM married to Maria del Rosario Ortiz ca 1818 in Santa Fe, NM

Maria Manuela Reano – Born Mar 22, 1758 in Santa Fe, NM married to Joseph Duran Jun 26, 1774 in Santa Fe, NM

Jose de Reano – Born ca 1729 in New Mexico married to Ana Maria Ortiz Jun 14, 1747 in Santa Fe, NM

Maria Roybal – Born ca 1695 in New Mexico married to Jose Reano ca 1725 in New Mexico

Francisca Gomez Robledo – Born ca 1668 in Santa Fe, NM married to Ygnacio Roybal y Torrado Feb 8 1694 in Santa Fe, NM

Andres Gomez Robledo – Born ca 1639 in Santa Fe, NM married to Juana Ortiz Baca ca 1666 in Santa Fe, NM

Ana Robledo – Born ca 1604 in San Gabriel del Yunque married to Francisco Gomez ca 1619 in New Mexico

***Bartolome Romero** – Born Apr 6, 1563 in Corral de Almaguer, Toledo, Spain married to Luisa Robledo ca 1599 in New Mexico

Historical Documentation for Bartolome Romero at San Gabriel in 1598:²

***Bartolome Romero** is one of the first settlers that came with Onate in 1598, (see Hammond and Rey, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, 1953. Salazar Inspection, pgs. 264-265). Luisa Lopez Robledo (wife of Bartolome Romero) came on the original Onate expedition in 1598 with her parents Pedro Robledo & Catalina Lopez along with her brothers and sisters (Fray Anglico Chavez, Origins of New Mexico Families, 1975 edition, pgs. 95 and 93).

Luisa's Lopez Robledo (Bartolome Romero's wife) brother (Francisco Robledo) was at the battle of Acoma in 1598 (Hammond and Rey, Onate, pg. 451). After the 1598 Acoma Battle he and 67 (approx.) others guarded San Gabriel, (Gaspar Perez de Villagra, Historia de la Nueva Mexico, 1610, pg. 241, v-220-314 & 237). "The town did not consist of nor possess more than one plaza, well squared off, with only four entries..." (Villagra, pg. 241, v-230-232). The Governor ordered and assigned 40 of his men to guard the four entries and his house. He named each man his assigned plaza corner post. Francisco Robledo was assigned to guard one of the corner posts with seven others (ibid. pg. 241 v-235-241). One Romero female out of 27 females led by Dona Euphemia (wife of Captain Francisco de Sosa Penalosa) guarded the rooftops and high terraces with "discharging flying balls into the air" (ibid. pg. 243, v-300). Luisa's brother Pedro Robledo died at the 1598 Acoma battle (Hammond and Rey, Onate, pgs. 437-438 & 451) and her father Pedro Robledo died and was buried May 21, 1598 (Hammond and Rey, Onate, pg. 316).

Bartolome Romero came to San Gabriel to acquire property to settle and to farm/ranch. In the 1598 Salazar Inspection (the Inspection before the Entrada into New Mexico), Romero declared items that would achieve his settlement goals; one cart with oxen and one plowshare, 20 horses, 6 mules and other items. (Hammond and Rey, Onate, pgs. 264-265).

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Francisca Gomez Robledo – Born ca 1668 in Santa Fe, NM married to Ygnacio Roybal y Torrado Feb 8 1694 in Santa Fe, NM

Andres Gomez Robledo – Born ca 1639 in Santa Fe, NM married to Juana Ortiz Baca ca 1666 in Santa Fe, NM

Ana Robledo – Born ca 1604 in San Gabriel del Yunque married to Francisco Gomez ca 1619 in New Mexico

Louisa Robledo – Born ca 1585 in Lugar de Carmena, Spain married to Bartolome Romero ca 1599 in New Mexico

***Pedro Robledo** – Born ca 1538 in El Carnero, Maqueda, Toledo, Spain married to Catalina Lopez ca 1568 in Toledo, Spain

Historical Documentation for Pedro Robledo at San Gabriel in 1598:

***Pedro Robledo** is one of the first settlers that came with Onate in 1598, (see Hammond and Rey, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, 1953. Salazar Inspection, pg. 265). Pedro Robledo came to San Gabriel to acquire property to settle and to farm/ranch. In the 1598 Salazar Inspection (the Inspection before the Entrada into New Mexico), Pedro Robledo declared items that would achieve his settlement goals: one cart with twelve oxen, 6 tame cows, 40 horses, 6 colts, 5 mules, 20 mares and other items (Hammond and Rey, Onate, pg. 265).

Pedro Robledo died and was buried on May 21, 1598 (Hammond and Rey, Onate, pg. 316). His wife (Catalina Lopez), four sons (Diego, Alonso, Pedro, Francisco), daughter (Luise Lopez Robledo) and son-in-law, Bartolome Romero continued the entrada to San Gabriel (Hammond and Rey, Onate, pgs. 265, 437-438, and 451; Villagra, pg. 243, v-300, pg. 241, v-235-241).

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Mariano Ortega – Born ca 1869 in Rio Tesuque, NM married to Simona Saiz ca 1891 in Santa Fe, NM

José Vicente Ortega – Born Jan 25, 1842 in Rio Tesuque, NM married to Perfilia Esquivel Feb 13, 1860 in Rio Tesuque, NM

José Rafael Ortega – Born May 7, 1788 in Santa Fe, NM married to Maria del Loreto Benavides Dec 22, 1811 Santa Fe, NM

José Ortega – Born 1757 in New Mexico married to Maria Josefa Padilla ca 1775 in New Mexico

Tomás Ortega – Born ca 1730 in New Mexico married to Olaya Marquez Oct 30, 1751 in Santa Fe, NM

Sebastiana Gonzalez Bas – Born ca 1699 in New Mexico married to Geronimo Ortega Jul 9, 1715 in San Yldefonso, NM

Capitan Sebastian Gonzalez Bas – Born ca 1660 in New Mexico married to Lucia Ortiz ca 1683 in New Mexico

Alferez Juan Gonzalez Bernal – Born ca 1627 in Santa Fe, NM married to Apolonia Varela ca 1642 in New Mexico

Ysabel Bernal – Born ca 1601 in San Gabriel Yunque, NM married to Sebastian Gonzalez ca 1613 in New Mexico

***Juan Griego** -- Born ca 1566 in Negroponte, Candia, Crete, Greece married to Pascuala Bernal ca 1598 in San Gabriel Yunque, NM

Historical Documentation for Juan Griego at San Gabriel in 1598:

***Juan Griego** (a native of Greece) is one of the first settlers that came with Onate in 1598, (see Hammond and Rey, Onate Colonizer of New Mexico 1595-1628. The University of New Mexico Press, 1953. Salazar Inspection, pg.263 and 293).

Juan Griego's wife: While the 1598 Acoma uprising occurred, Onate ordered 40 men to guard San Gabriel, (Gaspar Perez de Villagra, Historia de la Nueva Mexico, 1610, pg. 241, v-220-264). "The town did not consist of nor possess more than one plaza, well squared off, with only four entries..." (Villagra, pg. 241, V-230-232). Juan Griego's wife out of 27 females led by Dona Euphemia (wife of Captain Francisco de Sosa Penalosa) guarded the rooftops and high terraces with "discharging flying balls into the air" (ibid, pg. 243, v-305).

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Maria del Loreto Rivera – Born ca 1735 in Santa Fe, NM married to Juan Antonio Ortiz Dec 13, 1755 in Santa Fe, NM

Maria Estela Palomino Rendon – Born ca 1700 in Santa Fe, NM married to Juan Felipe Rivera Mar 24, 1715 in Santa Fe, NM

Juana Montoya – Born ca 1679 in New Mexico married to Francisco Palomino Rendon Dec 17, 1693 in Santa Fe, NM

Antonio Montoya – Born ca 1642 in Santa Fe, NM married to Maria Hurtado de Salas ca 1676 in New Mexico

Diego Montoya – Born ca 1586 in Texcoco, New Spain married to Maria Ortiz Baca de Vera ca 1639 in New Mexico

***Bartolome Montoya** – Born ca 1565 in Catillana, Sevilla, Spain married to Maria Zamora ca 1585

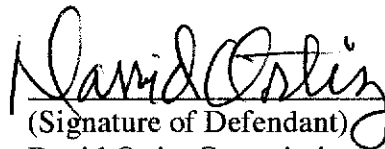
Historical Documentation for Bartolme Montoya at San Gabriel :

***Bartolomé Montoya** came to San Gabriel del Yunque with the reinforcement party to San Gabriel in December 24 1600 with his wife Maria, sons Francisco, Diego and José and daughters Lucia and Petonia (all under the age of sixteen in 1600) as a member of the second wave of 65 settlers and twenty five servants with their cattle and equipment He was a native of Cantillana (near Sevilla, {Spain}), the son of Francisco de Montoya. His wife was Maria de Zamora, born in Mexico City at San Sebastian, the daughter of Pedro de Zamora who was a resident of that city and former Alcalde Mayor of Oaxaca {Mexico}. Her mother's name was Agustina Abarca.(Cybergata.com/root/5370.htm, pg. 1).

¹ Genealogical Research conducted by: Thomas D. Martinez, TDM Research, tom.martinez@mindspring.com, 916-801-9319; Research: Cybergata.com/root/5370.htm, pg. 1

² Historical references, Pat Rundstrom, Researcher

Respectfully submitted by defendant David Ortiz


(Signature of Defendant)

David Ortiz, Commissioner/Treasurer,
Acequia de Chamita

MAP 22 TRACT 17 SUBFILE 267

DAVID ORTIZ

(Printed name of Defendant)

LOT 29 CR 56

P.O. Box 1082

(Street address or P.O. Box)

CHAMITA

SAN JUAN de los Caballeros

(City, State and Zip Code)

N.M. 87566